

**REMARKS:****CLAIM AMENDMENTS:**

Amended claims 15 to 17 still relate to the different embodiments of Pockels cell driver circuits as the previous claims 15 to 17. Amendments have been made in Claims 15 to 17 in order to delimit them clearly against Stingl (US 2004/0102767). Previous claims 15 to 17 were not sufficiently distinguished over Stingl, in particular since one or both of the switches 52 and 53 in Fig.5 of Stingl were identified with the "further switch (S2B)" of previous claim 15, the "further switch" of previous claim 16 and the "switch (S1B, S2B)" of previous claim 17.

The amendments which have been made in claims 15 to 17 are such that one or both of the switches 52 and 53 of Stingl can no longer be treated as equivalent with the "further switch (S2B)" of previous claim 15, the "further switch" of previous claim 16 and the "switch (S1B, S2B)" of previous claim 17.

The switches 52 and 53 in Fig.5 of Stingl in fact have a totally different nature and function as all the switches as depicted in Figs.3a and 4 of the present application and as claimed in amended claims 15 to 17. As is explained in the paragraph bridging left and right columns on page 5 of Stingl the switches 52 and 53 are activated by the user in order to switch between different modes of operation, namely a coagulating (C) mode of operation and short pulse modes (A, S) of operation, preferably by activating a foot-operated switch such as that shown in Fig.1 (reference sign 7) of Stingl. As soon as a particular mode has been set by the user, the switches 52 and 53 rest in a constant and steady position throughout the operation of the apparatus.

In contrast to this, the way of controlling the "further switch (S2B)" of claim 15, the "further switch" of claim 16 and the "switch (S1B, S2B)" of claim 17 has been characterized further in amended claims 15 to 17. and it has been stated in the claims that each one of the switches is switched on and off with one and the same repetition rate. This is clearly dis-

closed in Figs. 3b, 5a, 5b and the respective text in the description of the present application.

This amendment clearly renders claims 15 to 17 novel and inventive over Stingl and the other cited prior art. The switches 52 and 53 in Fig.5 of Stingl are definitely not switched on and off with the same repetition rate as the switches 35 and 36. Moreover, the skilled person would not have any cause to modify the apparatus in such a way that switches 52 and 53 are switched on and off with the same repetition rate as the switches 35 and 36. Rather, a skilled person would identify the switches as a means of applying fixed, predetermined voltages to the rapidly operating switch circuit comprised by the switches 35 and 36. As explained above, the switches 52 and 53 are only switches for setting an operation mode, i.e. operating voltage, as desired by the user and during the operation the switches 52 and 53 rest constantly and steadily in their adjusted position during carrying out the operational mode.

With respect to amended claim 17 also the last feature of previous claim 17 has been slightly amended in its wording. It has been stated now that said first circuit node (SK1) is connected with a second potential (HV) via a third switch (S1B) and said second circuit node (SK2) is connected with the second potential (HV) via a forth switch (S2B). This is in fact the same as before and it is clearly disclosed in Fig.4 of the present application.

Previous claims 18 to 27 have been rejected as they were related back to previous claims 15 to 17. It is assumed that present unamended claims 18 to 27 will be regarded as allowable as they are related back to amended claims 15 to 17.

**CONCLUSION:**

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

Respectfully submitted,

Date: 2/2/2006

  
Thorald Bergmann